

REMARKS

The present application has been reviewed in light of the Office Action dated July 1, 2003. Claims 1, 4, 7, 17, 18, 20, 27-30, and 32-41 are presented for examination, of which Claims 1, 20, 32, and 37 are in independent form. Claims 19 and 31 have been cancelled, without prejudice or disclaimer of the subject matter presented therein, and new Claims 32-41 have been added to provide Applicants with a more complete scope of protection. Claims 1 and 20 have been amended to define Applicants' invention more clearly, and Claims 17, 18, 29, and 30 have been amended purely as to formal matters not related to their patentability. Favorable reconsideration is requested.

The Office Action states that Claims 1, 4, 7, 17-20, and 27-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,938,735 (Malik) in view of U.S. Patent No. 6,453,343 (Housel III et al.). Cancellation of Claims 19 and 31 renders their rejections moot. Applicants submit that independent Claims 1, 20, 32 and 37, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to a communication system that includes a controller, a destination node, and a source node. The destination node includes first and second input registers, and the source node includes first and second output registers.

The controller is adapted to access the first and second input registers and the first and second output registers. The controller obtains information about a communication

capability of the source node from the first output register, and obtains information about a communication capability of the destination node from the first input register. The controller selects a first or a second communication protocol using the information obtained from the first output and input registers to set a logical connection between the source node and the destination node. Information for the communication protocol selected by the controller and information for the logical connection set by the controller are stored in the second output register and the second input register.

One of the notable features of Claim 1 is that the controller of the communication system accesses registers of the source and destination nodes, selects a communication protocol and sets a logical connection using information obtained from the source and destination nodes, and stores information for the selected communication protocol and the set logical connection in predetermined registers of the source and destination nodes.

Malik relates to a system for optimizing an ISDN connection. As conceded in the Office Action, Malik does not teach storing information for a selected communication protocol in a register at the source and destination nodes. It is alleged in the Office Action that Housel III et al. remedies the deficiencies of Malik.

Housel III et al. relates to a system that provides a persistent cache synchronization for multiple sessions between a client and a server. As understood by Applicants, Housel III et al. teaches that each of a source node and a destination node includes a protocol cache (38, 44). The cache 38 is operatively associated with a first computer (see column 14, lines 56-57), and the cache 44 is operatively associated with a second computer (see column

15, lines 44-45).

Applicants submit, however, that Housel III et al. fails to teach or suggest a controller adapted to access the input and output registers of the source and destination nodes. Therefore, a combination of Malik and Housel III et al., assuming such combination would even be permissible, would fail to teach or suggest a communication system that includes a controller, a destination node, and a source node, "wherein said controller is adapted to obtain information about a communication capability of said source node from the first output register, to obtain information about a communication capability of said destination node from the first input register, to select a first or a second communication protocol using the information obtained from the first output and input registers to set a logical connection between said source node and said destination node, to store information for the communication protocol selected by said controller and information for the logical connection set by said controller in the second output register, and to store information for the communication protocol selected by said controller and information for the logical connection set by said controller in the second input register," as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 20, 32, and 37 include a feature similar to that discussed above, in which a controller accesses registers of source and destination nodes, selects a communication protocol and sets a logical connection using information obtained from the source and destination nodes, and stores information for the selected communication protocol and the set logical connection in

predetermined registers of the source and destination nodes. Therefore, those independent claims also are believed to be patentable for at least the above reasons.

The other claims in this application depend from one or another of the independent claims discussed above, and therefore are submitted to be patentable for at least the above reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

The present Amendment After Final Action is believed clearly to place this application in condition for allowance. Therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

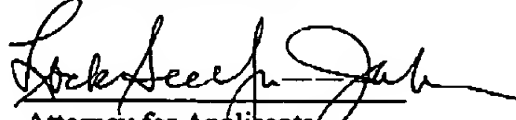
In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

CONCLUSION

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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